IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

W.P(C).No. 37747 of 2007(R)

PETITIONER:

M.S. JOSE, AGED 57 YEARS,
S/O. SEBASTIAN, MALIANPURACKAL HOUSE,
PULINKUNNU, ALAPPUZHA-688504.

BY ADV. SRI.P.JACOB VARGHESE
SRI.VARUGHESE M EASO
SRI.VIVEK VARGHESE P.J.
SMT.PRAISHEEL PRAKASAM
SMT.NISHA JOHN
SRI.K.B.ARUN
SMT.ELIZEBETH MEERA
SRI.P.J.VINOD JOSEPH
SMT.NITHARA GAYATRI

RESPONDENTS:
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1. **ADDL.TAHSILDAR,**
   TALUK OFFICE, KUTTANADU, ALAPPUZHA.

2. **REVENUE DIVISIONAL OFFICER,**
   ALAPPUZHA DISTRICT.

3. **STATE OF KERALA,**
   REP. BY THE SECRETARY TO GOVERNMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT. PLEADER, SMT. REMANI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 37747 OF 2007 R

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Dated this the 19th December, 2007

J U D G M E N T

Petitioner submits that there is a stretch of puramboke land leading to his property, but which has been used as a pathway since ages. It is also his contention that this pathway is used not only by him but also others who are cultivating in the same padasekharam. However, petitioner has been served with Ext. P3 communication from the 1st respondent alleging that the petitioner had reclaimed the aforesaid portion of land and converted the same into a pathway. In Ext. P3 it is also threatened that unless the land is not restored to its old position as stated therein, further action under the Land Utilisation Order will be taken without any further notice. It is in these circumstances, this writ petition has been filed seeking to quash Ext. P3.

2. In view of the provisions contained in the Kerala Land Utilisation Order it is not necessary for this Court to adjudicate on

the claims made by the petitioner atleast at this stage. It is for the petitioner to approach the 2nd respondent, the competent authority under the Land Utilisation Order for appropriate orders in the matter. In order to enable the petitioner to pursue that remedy I direct that further proceedings pursuant to Ext. P3 communication of the 1st respondent be deferred for a period of 4 weeks. In the meanwhile it is open to the petitioner to seek appropriate orders from the 2nd respondent.

Writ petition is disposed of as above.

ANTONY DOMINIC
JUDGE

jan/-